

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 15-182 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

William Ike Libby, Jr.,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated August 10, 2015. (Doc. No. 20.) No objections have been filed to that Report and Recommendation in the time period permitted.

The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. The Report and Recommendation addresses Defendant's motion to suppress evidence of guns and the contents of a backpack. Defendant argues that the stop of his vehicle was unlawful because "the officers should have been required to first affirmatively identify him as an occupant of the Chevy Tahoe in order to lawfully stop the vehicle to effect the active fugitive warrant for his arrest." (Doc. No. 20 at 6.) In the Report and Recommendation, Magistrate Judge Brisbois concluded that, under the totality of the circumstances, the officers had an objectively reasonable suspicion based on articulable facts that Defendant was in the Chevy Tahoe when they attempted to stop it and that the police conduct was

therefore entirely legal. (*Id.* at 6-7.) Further, Magistrate Judge Brisbois concluded that the discovery of the guns and backpack was not the product of a stop as argued by Defendant. (*Id.* at 7.) Finally, Magistrate Judge Brisbois concluded that Defendant abandoned the backpack and guns and, therefore, had no reasonable expectation of privacy in either and, as a result, could not challenge their admissibility under the Fourth Amendment. (*Id.* at 8-9.)

The undersigned agrees with the Magistrate Judge's determination that the officers' stop of Defendant's vehicle was lawful and that the evidence against him should not be suppressed. Accordingly, based upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Leo I. Brisbois's August 10, 2015 Report and Recommendation (Doc. No. [20]) is **ADOPTED**.
2. Defendant's Motion to Suppress Evidence (Doc. No. [13]) is **DENIED**.

Dated: September 16, 2015 s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge